

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 6 has have been amended. No new matter has been submitted herein.

Claims 1-23 are pending and under consideration. Reconsideration of the allowability of the claims is respectfully requested.

REQUEST FOR WITHDRAWAL OF FINALITY

The Office Action indicates that the Office Action mailed August 24, 2004, was made final in view of the applicants amendments to the claims.

However, independent claim 1, for example, was not substantively amended. The amendments to claim 1 were only form, e.g., changing "for" to "to," "sucking" to "suck," "transferring" to "transfer." In addition, the term "means for" was changed to "unit," to be consistent with the Office Action's interpretation of the claim language (i.e., non ¶112, sixth paragraph, interpretation), and the inventors claim intention.

Thus, these amendments did not change the scope or breadth of independent claim 1. Further, these amendments did not raise new issues.

Therefore, it is respectfully submitted that, as independent claim 1 was rejected under new grounds, a new non-final Office Action was required. Accordingly, withdrawal of the finality of the outstanding Office Action is respectfully requested.

OBJECTION TO CLAIM 6

In accordance with the suggestion from the Examiner, claim 6 has been amended to properly depend from claim 4.

Withdrawal of this objection is respectfully requested.

REJECTIONS UNDER 35 USC 102

Claims 1-3, 7-13, and 17-23 stand rejected under 35 USC § 102(e) as being anticipated by Kress, U.S. Patent No. 6,439,631. This rejection is respectfully traversed.

The outstanding Office Action has indicated that Kress disclosed all the claimed features of the pending claims, particularly by interpreting features from Kress to correspond to particularly claimed features in the pending claims.

For example, in rejecting independent claim 1, the Office Action has indicated that the claimed “space adjusting plate,” “elevation guiding unit,” and “guide block fixing plate,” respectively, correspond to the pantograph 44, pantograph manipulation units, and guide rail 9 of Kress. Applicant respectfully disagrees with these interpretations of Kress, as well as the remaining interpretations.

It is respectfully submitted that the claim language is not being given proper weight and consideration.

Pantograph 44 of Kress is not a plate, and definitely not a space adjusting plate. Rather, pantograph 44 is a scissors like device linking each vacuum gripper, such that when the scissors like device expands the spacing between vacuum grippers increases, and when pantograph 44 contracts the spacing between vacuum grippers decreases.

Accordingly, the claimed “elevation guiding unit,” which by definition must perform some elevation guidance; cannot be considered equal to the pantograph manipulation units. These pantograph manipulation units rather expand or contract pantograph 44. There is no “elevation” guidance being performed.

Similarly, the claimed “guide block fixing plate” cannot be considered equivalent to guide rail 9 of Kress. Guide rail 9 is merely a rail (i.e., not a plate) attached to the body of the pick and place device of Kress permitting the pantograph expand or contract, thereby adjusting their pitch. Conversely, independent claim particularly claims that the guide block is “separate from the body.” As illustrated in FIG. 1 of Kress, the guide rail 9 is within the body of the pick and place device, not separate from the same.

With each individual interpretation, as well as the overall interpretation, it is clear that Kress cannot be forced to read on the presently claimed invention. This is even more evident in the allowable dependent claim 4, where the Office Action’s strained interpretation of “guide block fixing plate” completely falls apart. Though Kress is in a related field, the presently claimed invention is fundamentally different in how variable pitch between grippers is implemented and how the grippers are guided to devices. Independent claim 23 includes similar allowable features, with differing scope and breadth.

Similarly, dependent claim 2, for example, more particularly details the space adjusting plate being “provided with a plurality of guide slots formed to allow spaces therebetween to be downwardly narrowed so as to adjust the pitches of the vacuum adsorbers, and said vacuum adsorbers are each provided with a guide projection adapted to insert to a respective one of the guide slots,” which Kress cannot be considered as having. The interpreted beams 15 and 16 are not guides and are not slots, do not control the pitch based on any downward direction, and do not have any relationship with sub plate 33, illustrated in FIGS. 1-3.

Likewise, dependent claim 3 particularly details the positioning of the claimed guide block fixing plate “downwardly spaced apart from the vacuum adsorbers and upwardly spaced apart from the test tray, and is provided with guide blocks of a similar number equal to a number of the pickets of the test tray.” Guide rail 9 of Kress would not appear to have this particular positioning, especially since guide rail 9 is part of the body of the pick and place device and cannot have the claimed positioning between the vacuum adsorbers and the test tray. Further, guide blocks 42 of Kress would not appear to have any relationship with a test tray, as claimed.

In addition to above, independent claim 7 further particularly defines: “an elevation control unit coupled to the space adjusting unit and controlling an elevation of the space adjusting unit to change a spacing between respective adjacent device loading units in accordance with the elevation of the space adjusting unit.”

The pantograph 44 of Kress cannot be considered equivalent to the claimed space adjusting unit. There is no “elevation” relationship between the pantograph manipulation units and elevation. As noted above, pantograph 44 is expanded and contracted, not raised and lowered, e.g., at all time there will be some element that is static in the expanding and contracting (not moving up or down). The only raising and lowering performed is potentially for the entire body of the pick and place device or individual vacuum grippers in Kress. Thus, Kress cannot disclose or suggest the presently claimed invention at least because there is no relationship between elevation and the pitch of the vacuum grippers.

Like above, the dependent claims of independent claim 7 further define the claimed elements to even more particularly illustrate that Kress cannot be interpreted as suggested in the Office Action. Independent claims 18 and 19 include similar elevation features, with differing scope and breadth.

Therefore, it is respectfully requested that this rejection of claims 1-3, 7-13, and 17-23 be withdrawn and claims 1-3, 7-13, and 17-23 be allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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